SUPREME COURT OF LOUISIANA
New Orleans

No. 43,972

BY McCALEB, J.: March 3, 1958

State of Louisiana

v.

August J. Mills, Sr.

In re: August J. Mill, Sr. applying for writs of certiorari, mandamus and prohibition

---

Writs refused.

We find no error of law in the ruling complained of.

/s/ EHMcC
/s/ ALP
/s/ JBH
/s/ FWH
/s/ HAM

I respectfully dissent.

/s/ JDS

A TRUE COPY
Clerk's Office, New Orleans
March 3, 1958

/s/ V. J. Courville
Clerk

(SEAL)

SUPREME COURT OF LOUISIANA

No. 43,972

STATE OF LOUISIANA
v.
AUGUST J. MILLS, SR.

In re: AUGUST J. MILLS, SR., APPLYING FOR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION

FOURNET, Chief Justice (dissenting from the refusal to grant the writs.)

Under the express provisions of the Louisiana Constitution of 1921 that are to be found under the heading of "Bill of Rights," Section 11 declares that "No person shall be compelled to give evidence against himself in a criminal case or in any proceeding that may subject him to criminal prosecution, except as otherwise provided in this Constitution * * *." The only exception to be found in this Constitution is in Article XIX, which, under the heading of General Provisions, contains Section 13, declaring: "Any person may be compelled to testify in any lawful proceeding **against any one who may be charged with having committed the offense of bribery** * * *." (The emphasis has been supplied by me.)

In the instant case the relator is not requested to testify against anyone "charged with having committed the offense of bribery," for there is no such charge pending against anyone, even by affidavit. From the questions propounded it would appear this is merely a "fishing expedition" for discovery of evidence of this char-

acter. It necessarily follows Section 13 is clearly inapplicable here.

Moreover, it is my opinion that the relator is entitled to the protection offered by the 5th and 14th amendments to the Constitution of the United States under the showing that is made.

I therefore respectfully dissent from the refusal to grant these writs.

A TRUE COPY
Clerk's Office, New Orleans,
March 3rd, 1958

/s/ V. J. Courville

Clerk Supreme Court of Louisiana

(SEAL)

CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
SECTION "E"

STATE OF LOUISIANA
versus
AUGUST J. MILLS, SR.

JUDGMENT ON RULE FOR CONTEMPT

August J. Mills, Sr., was cited in a rule for contempt, it being alleged, that he refused to answer questions propounded of him by the Grand Jury for the Parish of Orleans.

The subject matter under investigation concerned payment by relator of bribes to members of the New Orleans Police Department for protection from arrest for lottery gambling operations.

While admitting the existence of exceptions under the law of Louisiana to the right to claim immunity from testimonial compulsion, relator contends that these exceptions are not applicable to his case.

Art. 1, Section 11 of the Constitution of Louisiana provides:

> "No person shall be compelled to give evidence against himself in a criminal case or in any proceeding that may subject him to criminal prosecution, except as otherwise provided in this Constitution. * * * "

The exception referred to above appears in Section 13

of Article 19 of the same constitution and reads as follows:

> "Any person may be compelled to testify in any lawful proceeding against anyone who may be charged with having committed the offense of bribery and shall not be permitted to withhold his testimony upon the ground that it may incriminate him or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony."

In the case of *State vs. Rodriguez*, 219 La. 217, 52 So. 2d. 756, the Supreme Court in passing upon these two sections of the constitution said:

> "We must keep in mind that we are here dealing with two sections of our Constitution, which are of equal force and are not in conflict, and not with a provision of the Constitution granting the privilege against self-incrimination and an act of the Legislature seeking to take it away or make an exception thereto."
>
> * * * * *
>
> "We fully agree with the conclusions made by the trial judge in his return to the writ, in which he said: 'The conclusion is inescapable that our State has the right to grant immunity to its citizens from being compelled to give testimony that will incriminate them, or to withhold that right, or give it under certain conditions or subject to certain exceptions. The people of this State have chosen to give it subject to the exception with which we are here concerned.' "

In rounding out a complete *modus operandi* for the more effective prosecution of the crime of bribery, the legislature enacted LSA-RS 14:121, and LSA-RS 15:468.

L.S.A.-R.S. 14:121 provides:

> "The offender under the public bribery, bribery of voters or corrupt influencing articles, who states the facts under oath to the district attorney charged with the prosecution of the offense, and who gives evidence tending to convict any other offender under those articles, may, in the discretion of such district attorney be granted full immunity from prosecution in respect to the offense reported, except for perjury in giving such testimony."

L.S.A.-R.S. 15:468 provides:

> "Any person may be compelled to testify in any lawful proceeding against another charged with commercial bribery, public bribery, bribery of voters or corrupt influencing, and shall not be permitted to withhold his testimony upon the ground that it may incriminate him or expose him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony."

In seeking to place his case beyond the exception contained in Section 13 of Article 19 of the Constitution, relator poses the following questions:

> (a) "If the Grand Jury questioning of defendant be a 'lawful proceeding', against whom was this proceeding being pressed?"
>
> (b) "Had anyone been charged with the offense of bribery?"

Relator in treating L.S.A.-R.S. 14:121, for the same purpose asks the question:

> "Who was 'the offender?' "

And again in discussing L.S.A.-R.S. 15:468, and

again for the same reason, relator inquires:

> "Was the Grand Jury questioning of defendant "a proceeding against another charged with "any offense"?"

Having himself answered these questions in the negative, relator then asserts:

> "A person may be compelled to testify (as an exception to the crimination rule) ONLY when the other person has been charged with bribery;"
>
> Section 13, Art 19., La. Const.
>
> "**Only** a fellow offender may be forced to testify (as an exception to the rule) against another charged with violation of the articles noted;"
>
> L.S.A.-R.S. 14:121
>
> "A person may be compelled to testify a(s an exception to rule) ONLY when the other person has been CHARGED with commercial bribery, public bribery, etc."
>
> L.S.A.-R.S. 15:468.

The Supreme Court of Louisiana answered relator's questions, and passed upon the merit of his contentions in the case of *State vs. Rodriguez*, 219 La. 217, 52 So. 2d. 756.

In that case the relator urged the court to hold "(2) that since he was not advised that anyone had been **charged** with the offense of bribery, Section 13 of Article 19 of the Constitution has no application, etc."

In disposing of this question the Court said:

> "Relator's second contention is that the word 'charged' as used in Section 13 of Article 19 means 'charged in an affidavit, bill of information, or

indictment'. Under this interpretation the provisions of this section would and could apply only in a trial before the judge or petit jury. If this were the interpretation intended by the drafters of the Constitution, they could have easily said, "Any person may be compelled to testify in any lawful proceeding against anyone who may be charged in an affidavit, bill of information, or indictment with having committed the offense of bribery * * * ". That the framers did not intend for this section to apply only to trials of accused persons is conclusively shown by its specific provisions that any person may be compelled to testify in any lawful proceeding". Certainly investigations being conducted by grand juries, those by district attorneys under L.S.A.-R.S. 15:17.1 preliminary hearings before committing magistrates and coroner's inquests are "lawful proceedings", within the meaning of the article.

In the instant case the grand jury under the charge of the court was investigating crimes of public bribery, and in doing so it was its sworn duty to inquire diligently into whether such a crime or crimes had been committed, and true presentment make. Under such circumstances, to give relator's interpretation to the article would, in effect nullify and make meaningless their article insofar as grand jury investigations are concerned. Due to the nature of the crime of bribery, it is difficult and often impossible to secure evidence against any party to the transaction except by the evidence of another party to the bribe, and, if the grand jury is not permitted to compel such testimony, the perpetrator will very likely never be formally charged and brought to trial.

It is our opinion it was the intention of the drafters of the Constitution that the word 'charged' was not to be limited and restricted solely to a formal charge by affidavit, informaiton, or indictment. Under this interpretation, the provision of

the article which assures relator that his testimony cannot thereafter be used against him in any judicial proceeding fully protects him whether or not a formal charge is pending against any individual at the time relator's testimony is given in a lawful proceeding."

The reasoning adopted by the Court in the *Rodriguez* case as it affects Section 13 of Article 19 of the Constitution, is equally applicable in the case at bar to L.S.A.-R.S. 14:121 and L.S.A.-R.S. 15.468. There is no merit to relator's contention that his case falls without the exceptions contained in Sec 13 of Art. 19 of the Constitution and L.S.A.-R.S. 14:121 and L.S.A.-R.S. 15:468.

Under the caption Extent of Immunity, relator raises his second contention.

In this connection it is asserted that the grants of immunity provided for in Sec. 13 of Art. 19 of the Constitution and L.S.A.-R.S. 14:121 and L.S.A.-R.S. 15:468 are not all inclusive, but are obviously limited to the statement that the testimony of the witness will not later be used against him. It is also contended that the grant of immunity contained in Sec. 13 of Art. 19 of the Constitution and L.S.A.-R.S. 14:121 and L.S.A.-R.S. 15:468 cannot affect offenses against municipalities, states or the Federal government.

In answer to this contention, the case of *State vs. Rodriguez*, 219 La. 217, 52 So. 2d 756, is authority for the right in the State to restrict or limit immunity.

As the relator in the case at bar was not under any state, federal or municipal charges, at the time he refused to answer the questions, his case falls under the authority of *State vs. Ford, et. als.*, 99 So. 2d. 320, and

not *State vs. Dominguez*, 82 So. 2d. 228 La. 284. This contention is without merit.

As to relator's contention that the 5th. and 14th Amendments to the Constitution of the United States are applicable in the case at bar, suffice it to say that the *Rodriguez* and *Ford* cases settled this claim.

> "In the leading case of *Twining vs. New Jersey*, 1908, 211 U.S. 78, 29 S. Ct. 14, 26, 53 L. Ed. 97, it was held that the exemption from self-incrimination provided by the Fifth Amendment was not one of the fundamental rights of national citizenship so as to be included among the privileges and immunities of citizens of the United States which the states are forbidden to abridge by the provision of the Fourteenth Amendment that no state shall deprive any person of life, liberty, or property without due process of law. In the cited cases the Supreme Court said: " * * * we think that the exemption from compulsory self-incrimination in the courts of the states is not secured by any part of the Federal Constitution."
>
> *State vs. Ford, et als.*, 99 So. 2d. 320.
> *State vs. Rodriguez*, 219 La. 217, 52 So. 2d. 756.

In the case of *State vs. McCarroll*, 138 La. 454, 70 So. 448, the Supreme Court of Louisiana held that Art. 15 of the Constitution of 1898 and 1913 reading the same as that now contained in Art. 1 Sec. 15 of the Constitution of 1921, was "meaningless' as the people of this state retain all rights the exercise of which is not prohibited by the Constitution of the state or the United States."

As the Constitution of 1921 did in fact enumerate and set out the circumstances, conditions and limitations, affecting the right of the citizen to claim immunity from

testimonial compulsion, Sec. 15 of Art. 1 of the Constitution of this state and the 9th. Amendment to the Constitution of the United Staets are inapplicable to the issues presented in the case at bar.

For the reasons hereinabove recited the court is of the opinion that the defendant in rule, August J. Mills, Sr., should answer the questions propounded by the Grand Jury as set out in the rule for contempt herein filed.

IT IS THERFORE ORDERED that the said August J. Mills, Sr., repair to the room of the Grand Jury, and there answer the questions propounded of him by the Grand Jury, or in failing so to do, suffer the penalties provided by law.

New Orleans, Louisiana 19th day of February, 1958.

/s/ J. Bernard Cocke
Judge

A TRUE COPY
Clerk's Office 5/15/1958

/s/ Dan B. Haggerty
Deputy Clerk,
Criminal District Court,
Parish of Orleans.

(SEAL)

STIPULATION

It is agreed by and between Honorable Leon D. Hubert, District Attorney for the Parish of Orleans, on behalf of the State of Louisiana, and David A. Neuhauser and Milo B. Williams, Attorneys for August J. Mills, Sr., defendant in rule, that the following agreement and stipulation as to facts is hereby entered into by and between Counsel and shall be considered as evidence herein in lieu of the taking of testimony on the hearing of this rule.

1. That the following is a true, correct and genuine copy of the Rule filed herein by the Grand Jury for the Parish of Orleans, State of Louisiana, appearing through its foreman, Honorable James J. Reiss, duly and properly impanelled to serve as such from September 3, 1957 to March 3, 1958, service of which was made (and accepted) by the said August J. Mills, Sr., defendant in rule, and that the copy of the transcript of the proceedings attached to the said rule is a true, correct and genuine copy of the proceedings had before the said Grand Jury on Wednesday, January 15th, 1958, when the said August J. Mills, Sr., had been duly and legally summoned as a witness before the said Grand Jury, all as reported by Mr. Leonard J. Bossier, Jr., official stenographer, and duly certified as true and correct by him:

ORLEANS PARISH
GRAND JURY

PARISH OF ORLEANS
STATE OF LOUISIANA

IN RE: **AUGUST J. MILLS, SR.**

MOTION

On motion of the Grand Jury for the Parish of Orleans, State of Louisiana, appearing herein through its foreman, James J. Reiss, duly and properly impanelled

to serve as such from September 3, 1957 to March 3, 1958, and on suggesting to this Honorable Court that:

On January 15, 1958, pursuant to notice the said Grand Jury met in the Grand Jury Room, Criminal Courts Building, New Orleans, Louisiana;

While the said Grand Jury was then and there engaged in an inquiry in regard to public bribery, August J. Mills, Sr., having been duly subpoenaed, was called and sworn as a witness. The said witness was then and there contemptuous of the Grand Jury in that after having been advised of his rights and obligations under the law and after having been given immunity by the District Attorney under the provisions of R.S. 14:121, when asked the questions contained in the attached Exhibit A, which is made part hereof, the answers to which were essential and material to matters under consideration by the Grand Jury, he refused to answer said questions, the questions and replies being as contained in the said exhibit.

WHEREFORE, your mover, the Grand Jury for the Parish of Orleans, State of Louisiana, acting herein through its Foreman, James J. Reiss, moves that this Honorable Court order the said August J. Mills, Sr., to show cause on the 27th day of January, 1958 at 10:00 A. M. why he should not be adjudged in contempt of the Grand Jury for the Parish of Orleans, State of Louisiana and of the Criminal District Court for the Parish of Orleans.

S/ James J. Reiss
Foreman, Grand Jury for the
Parish of Orleans

New Orleans, Louisiana
January 22nd, 1958.

ORDER

Considering the foregoing Motion it is ordered that August J. Mills, Sr., show cause on the 27th day of January, 1958, at 10:00 A. M., O'clock why he should not be adjudged in contempt of the Grand Jury for the Parish of Orleans and of the Criminal District Court for the Parish of Orleans.

S/ J. Bernard Cocke, Judge
Criminal District Court
Parish of Orleans

A TRUE COPY

s/ E. A. Mouras
Minute Clerk

PROCEEDINGS OF THE ORLEANS PARISH GRAND JURY ON WEDNESDAY, JANUARY 15, 1958

PRESENT:

Mr. Leon D. Hubert, Jr., District Attorney
Mr. John Nelson, Jr., Assistant District Attorney
Members of the Grand Jury

AUGUST J. MILLS, SR., Mandeville, Louisiana, a witness called by the Orleans Parish Grand Jury, and after having been first duly sworn by the Foreman, testified as follows:

EXAMINATION BY MR. NELSON:

Q. You are presently employed, Mr. Mills?

A. No.

Q. Do you live here in New Orleans sometimes?

A. Well, sometimes. I have an apartment here. When I come to the City I stay in it.

Q. Are you under a doctor's care now?

A. I am trying to be. I am trying to go to the hospital. They might send me there. The doctor over the Lake told me he couldn't do anything. I have to go to Dr. Willough by for—might be the glands, you see, because I have a swollen gland here and it may be muscles. He don't know. So he told me to go to Dr. Willoughby. Thats up on Magnolia, up by the Baptist Hospital.

Q. Mr. Mills, as you already know, this jury is inquiring into the lottery operation from 1950 to 1955 and that is what we would like to talk to you about. What was

your employment from 1950 to 1955, sir?

A. I refuse to answer that question on my Constitutional Rights, both Federal and State.

Q. Mr. Mills, you have lived a full life?

A. Pardon?

Q. A full life?

A. Yes, sir, I have lived a full life.

Q. And you have reared a boy we met this morning that looks like he is very intelligent. Why don't you try to help us clear up this mess, Mr. Mills?

A. I can't help you clear up no mess.

Q. You could.

A. Can't do it.

Q. This thing could be brought to an end tonight. I would like to talk to you as a friend rather than a prosecutor and I wish I had an opportunity to talk to you in a barroom somewhere rather than here. Is your reason for not lending assistance due to the fact that you don't trust the people that are in the thing?

A. I am going to refuse to answer that question, too.

Q. Mr. Mills, you understand the seriousness of this thing and how it could effect particularly your son, do you not?

A. I don't know. I am in no position to answer any questions. I don't understand a lot of this stuff and I am going to stand on my Constitutional Rights on anything like that.

BY THE FOREMAN:

Q. Mr. Mills, is it you or Henry that was the Pan American Liquor Company?

A. That's Henry. I was in it but I sold out.

Q. It's quite a sizeable business?

A. I sold out and retired.

BY MR. HUBERT:

Q. Mr. Mills, under the law, and particularly Section 121 of Title 14, District Attorney is authorized to give immunity to any witness in so far as his own conduct in any matter of public bribery is concerned, and that is a full immunity from prosecution as to any participation he may have had in any matter of public bribery. In addition to that both the law, specifically Section 468 of Title 15, provides that a witness who does give testimony concerning his operations in a public bribery matter that that testimony can never be used against him. So you have a full protection for yourself with reference to your testimony as to your participation in any public bribery. Now, are you under any Federal charges right now?

A. No, I am not.

Q. Are you under any State charges?

A. No, I am not.

Q. Well, I give you the immunity I spoke to you about and that being the case, of course, you are required to answer the questions.

BY MR. NELSON:

Q. You understand what that means, Mr. Mills?

A. I do.

Q. Would you care to discuss it with an attorney, sir?

A. Well, no, I don't see why I should discuss it with an attorney now. This is something I don't know anything about, like a civil suit or something like that.

Q. There's no civil suit.

A. But there could be allowed a civil suit on something you couldn't prove or something like that. I am kind of mixed up on this thing. I got to watch myself closely.

Q. I understand. But you do understand what immunity means, do you not?

A. I know it. I understand what immunity means.

Q. Mr. Mills, did you between 1950 and 1955, have any interest in the lottery companies?

A. You mean own a lottery company?

Q. Yes, sir.

A. I never owned a lottery company in my life.

Q. You were working for a lottery company, were you not, sir?

A. I am going to refuse to answer that question on my Constitutional Rights.

Q. All right. Mr. Mills, have you ever been in the G & G Bar?

A. Yes, sir, I have.

Q. Very often?

A. Well, lots of times I go there.

Q. Between 1950 and 1955, did you go to the G & G Bar very regularly?

A. Well, I went there quite a few times, yes sir.

Q. When you went there, did you ever see any other lottery owners there at the same time that you went there?

A. I am going to refuse to answer that question, too. I don't know what's going on.

Q. All right, sir. Mr. Mills, during the years 1950 to the present date, have you ever given any money to any police officers?

A. I am going to refuse to answer that question on my Constitutional Rights, both Federal and State.

Q. From 1950 up to the present date, so the dates will be inclusive, did you ever see anyone else give any money to any member of the New Orleans Police Department?

A. I am going to refuse to answer that question on my Constitutional rights.

Q. All right, sir.

A. I don't know whether I did or not. So I am going to refuse to answer that question.

Q. All right, sir. Did you ever talk to any police officers about any money paid to New Orleans Police Department?

A. I am going to refuse to answer that question too, Constitutional Rights.

Q. Did you ever talk to any lottery owner about the amount of money that was being paid to members of the New Orleans Police Department?

A. I am going to refuse to answer that question, Constitutional Rights.

BY MR. HUBERT What we want to do is to have you come back next Wednesday which is the 22nd at 10:00 o'clock.

A. Yes, sir.

Q. Well, we will take you down in the elevator.

A. If I am in the hospital—suppose I am in the hospital or something like that?

Q. Well, if you are in the hospital, have your attorney or somebody let us know and bring us these certificates from your doctor that you are in the hospital, in other words, some doctor that is treating you.

A. Because I don't know how this is going to be.

Q. I understand that. You are going to be under subpoena to come back next Wednesday.

A. I don't have to have a subpoena, I'll just come back on your word.

Q. Well, we'll have one anyway. It's going to be served on you right now.

CERTIFICATE. I hereby certify that the foregoing is a true and correct transcript of the testimony as reported by me and transcribed on the typewriter by me personally.

S/ Leonard J. Bossier, Jr.,
Official Court Reporter

2: That on January 27, 1958, August J. Mills, Sr., through counsel, filed a motion for a continuance predicated upon the fact that he was hospitalized and under care of a physician; and, in consequence of said motion, the rule for contempt was continued until February 10, 1958 at 10:00 o'clock A.M.

3: That the following two documents (Form 872—Rev. Nov. 1956) U. S. Treasury Department, Internal Revenue Service, both dated January 31, 1957, triplicate, addressed to Agnes M. and August J. Mills, Sr., taxpayers of New Orleans, Louisiana, entitled "CONSENT FIXING PERIOD OF LIMITATION UPON ASSESSMENT OF INCOME AND PROFITS TAX" each signed by Agnes M. Mills and August J. Mills, Sr., and by Louis

H. Schweickhardt, Group Supervisor for Chester A. Usry, District Director of Internal Revenue, for the years ending December 31, 1952 and 1953, were duly signed and entered into by and between the said parties, and it was agreed therein that the amount of any income, excess profits or war profit taxes due under any return or returns made by or on behalf of the aboved named Agnes M. and August J. Mills, Sr., for the taxable years ending December 31, 1952 and 1953 under existing acts, or under prior revenue acts, may be assessed at any time on or before June 30, 1958, except that, if a notice of a deficiency in tax is sent to said taxpayer or taxpayers by registered mail on or before said date, then the time for making any assessment is prohibited and for sixty days thereafter, and that the said documents attached hereto are true, correct and genuine photostat triplicate copies of what they represent themselves to be, and may be considered as evidence herein.

4: That the Intelligence Division, Internal Revenue Service of the United States, the United States Attorney for the Eastern District of Louisiana and the United States Grand Jury have been for several months and are at present engaged in investigating some of the members of the New Orleans Police Department for income tax evasion, a felony under the laws of the United States.

5: That publicity through daily newspapers, television and radio has been carried on for several months regarding the investigation embarked upon by the federal authorities into the income tax returns of some of the members of the New Orleans Police Department for the years 1950 to 1955, inclusive.

6: That eleven indictments have been returned by the United States Grand Jury against members of the

New Orleans Police Department in connection with the aforementioned investigations; three for tax income evasion and eight for perjury or false statements.

7: That there has existed, and now exists, cooperation and collaboration between the District Attorney for the Parish of Orleans and the United States Attorney for the Eastern District of Louisiana and the Internal Revenue Service of the United States of America and its investigators, as well as with the Police Bureau of Investigation of the City of New Orleans in reference to members of the New Orleans Police Department regarding public bribery and income tax evasion and that the Honorable Leon D. Hubert, Jr., District Attorney for the Parish of Orleans, has held conferences with the United States Attorney for the Eastern District of Louisiana regarding public bribery on the part of certain members of the New Orleans Police Department and income tax evasion, felonies under the law of the United States of America and the State of Louisiana.

8: That August J. Mills, Sr., had not, at the time of this Grand Jury interrogation of him, stated any facts under oath to the District Attorney or any of his assistants concerning the public bribery, bribery of voters or corrupt influencing articles, nor was he an "offender" under such articles.

9: That, at the time of this Grand Jury interrogation, there were on file in the Criminal District Court for the Parish of Orleans the following cases, all involving alleged violations of L.S.A.-R.S. 51:281:

State of Louisiana v. Jules Crovetto,
Nos. 149-268 through 298;
State of Louisiana v. Michael Callia,
Nos. 149-340 through 351;

State of Louisiana v. L. Forsyth,
Nos. 149-434 through 450;
State of Louisiana v. Harold Mills,
Nos. 149-505 through 516;
State of Louisiana v. A. J. Mills, Jr.,
Nos. 149-277 through 288.

10: That, at the time of this Grand Jury interrogation of defendant, here were on file in the Civil District Court for the Parish of Orleans, suits by the City of New Orleans seeking recovery of occupational license taxes for occupations similar and identical with the occupation suggested to have been defendant's by the Grand Jury interrogation; that these suits include the following:

340-598	*City of New Orleans v. Philip James Melancon*	$1982.49
340-632	*City of New Orleans v. Dennis J. Melancon*	3982.30
337-291	*City of New Orleans v. August J. Mills, Jr.*	8778.00
342-835	*City of New Orleans v. Jules Cro[illegible]ito*	3750.00
350-474	*City of New Orleans v. Lucius Forsyth*	9000.00
350-611	*City of New Orleans v. Andrew Dominguez*	5985.39
338-078	*City of New Orleans v. Paul J. Portes*	

/s/ John P. Nelson, Sr.
Ass't District Attorney for the
Parish of Orleans
/s/ David A. Neuhauser
/s/ Milo B. Williams
Attorneys for August J. Mills, Sr.

CONSTITUTION OF THE UNITED STATES

AMENDMENT V, reading in part:

> "No person * * * shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law * * * ".

AMENDMENT IX, reading:

> "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people".

AMENDMENT XIV, Section 1, reading in part:

> " * * * No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its juirsdiction the equal protection of the laws".

LOUISIANA CONSTITUTION

Article XIX, Section 13.

"Any person may be compelled to testify in any lawful proceeding against any one who may be charged with having committed the offense of bribery and shall not be permitted to withhold his testimony upon the ground that it may incriminate him or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony."

LOUISIANA REVISED STATUTES

R.S. 14:121

"The offender, under the public bribery, bribery of voters or corrupt influencing articles, who states the facts under oath to the District Attorney charged with the prosecution of the offense, and who gives evidence tending to convict any other offender under those articles, may, in the discretion of such district attorney, be granted full immunity from prosecution in respect to the offense reported, except for perjury in giving such testimony."

R.S. 15:468

"Any person may be compelled to testify in any lawful proceeding against another charged with commercial bribery, public bribery, bribery of voters or corrupt influencing, and shall not be permitted to withhold his testimony upon the ground that it may incriminate him or expose him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony."

R.S. 15:11, reading in part:

"Every court has the inherent power * * * to punish, as being a contempt, every interference with or disobedience of its process or orders * * * ".